

§ 166.8 Grazing exempt from permit.

Adult tribal members of any tribe may, without approval of the Superintendent, graze livestock on their own individually owned grazing land or other grazing land for which they are responsible on behalf of those non compos mentis, on behalf of their minor children and on behalf of minor children or others to whom they stand in loco parentis when such children do not have a legal representative. The term "graze livestock" means the grazing of livestock which are either owned by those persons listed above, or if not owned, are under their direct management and supervision. Grazing of livestock under any other arrangement requires approval of the Superintendent.

§ 166.9 Authority of the Superintendent to include land in grazing permits.

(a) The Superintendent may include individually owned land in grazing permits on behalf of:

- (1) Orphaned minors;
- (2) Persons who are non compos mentis and without legal guardians;
- (3) Undetermined heirs or devisees of a deceased Indian owner;
- (4) Adults whose whereabouts are unknown;
- (5) Heirs or devisees, none of whom are using the land and who have not been able to agree upon the permitting of their land during a 3-month period, and after notice from the Superintendent given by posting a general notice in all Post Offices on the reservation and with the tribal governing body;
- (6) Those Indian land owners listed in § 166.8 who give the Superintendent written authority to grant grazing privileges; and
- (7) Any other Indian minor or person who is non compos mentis or otherwise under legal disability, if that person's guardian, conservator, or other fiduciary, appointed by a State court or by a tribal court or court of Indian offenses operating under an approved constitution or law and order code, gives the Superintendent written authority to grant grazing privileges.

(b) The Superintendent may include tribal land in grazing permits on behalf

of governing bodies who give written authority. When timely action is not taken by the governing body to give the Superintendent written authority, or to issue permits pursuant to § 166.7 and the criteria prescribed in § 166.10, the Superintendent may proceed to issue permits on tribal land, subject to veto of the governing body, in order to prevent resource waste or unreasonable economic loss to the tribe or its members. The Superintendent shall notify the governing body in writing of the action he proposes to take and allow a 60-day period during which the tribal veto may be exercised.

(c) The Superintendent may include Government land in grazing permits provided such land is not already under revocable permit to the tribe, in which case, paragraph (b) of this section applies.

§ 166.10 Allocation of grazing privileges.

A tribal governing body may authorize the allocation of grazing privileges without competitive bidding on tribal and tribally controlled Government land to Indian corporations, Indian associations, and adult tribal members of the tribe represented by that governing body. The Superintendent may implement the governing body's allocation program by authorizing the allocation of grazing privileges on individually owned land. The eligibility requirements for allocations shall be prescribed by the governing body, subject to written concurrence of the Superintendent. Where timely action is not taken by the governing body to prescribe satisfactory requirements, the Superintendent shall notify it in writing that it has a 60-day period during which it may present requirements. Subject to the approval of the Area Director, the Superintendent shall prescribe the eligibility requirements after expiration of the 60-day period in the event satisfactory action is not taken by the governing body.

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